

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JAMES ALBERT LANGLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:17-cv-03520
)	
HUNTINGTON WV POLICE DEPT (HPD))	
(ARRESTING OFFICER), <i>et al.</i>,)	
)	
Defendants.)	

O R D E R

Pending before the Court is Plaintiff's "Motion to Amend" (Document No. 44), filed on August 21, 2017. In support, Plaintiff states that he wishes to amend his Complaint to include the naming of Jennifer Hatfield as a Defendant. (Id.)

Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure provides that a party may amend his pleadings "once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). "[A] motion to amend should be denied only where it would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." Marfork Coal Co. v. Smith, 2011 WL 744727 (S.D.W.Va. Feb. 23, 2011)(J. Berger)(citations omitted).

The undersigned notes that Plaintiff filed a Motion to Amend on August 15, 2017. (Document No. 40.) By Order entered on August 16, 2017, the undersigned granted Plaintiff's Motion to Amend and directed that Plaintiff file his Amended Complaint by September 15, 2017. (Document No. 43.) Accordingly, the undersigned finds that Plaintiff's above Motion to Amend (Document No. 44) is **DENIED as moot**. Plaintiff should file his Amended Complaint by **September 15, 2017**, naming all persons he wishes to name as defendants and state specific facts as to how each defendant violated his constitutional rights. The Clerk is directed to modify the docket sheet to reflect Jennifer Hatfield as a Defendant.

The Clerk is directed to send a copy of this Order to Plaintiff, who is acting *pro se*, and counsel of record.

ENTER: August 22, 2017.



Omar J. Aboulhosn
United States Magistrate Judge